

MINUTES

Executive Board



Senator Gary Cammack, Chair
Representative Dean Wink, Vice Chair
Representative Spencer Hawley, Ranking Minority Member

**Second Meeting, 2016 Interim
Monday, April 18, 2016**

**Room 413 – State Capitol
Pierre, SD**

The second meeting of the Executive Board for the 2016 Interim was called to order by **Senator Gary Cammack** at 10:30 a.m. in room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senator Gary Cammack, Chair; Representative Dean Wink, Vice Chair; Representative Spencer Hawley, Ranking Minority Member; Senators Phyllis Heineman (via telephone), and David Omdahl; Representatives Jim Bolin, Don Hagggar, Roger Hunt, and Timothy Johns. Those excused: Senators Corey Brown, Scott Parsley, Billie Sutton, Jim White; and Representatives Brian Gosch, and Fred Romkema.

Staff members present included Jason Hancock, Director; Sue Cichos, Deputy Director; Doug Decker, Code Counsel; Annie Mehlhaff, Chief Analyst for Fiscal Research and Budget Analysis; David Ortbahn, Chief Analyst for Research and Legal Services; Jessica LaMie, Research Analyst; and Paul Giovanetti, Senior Secretary.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office. This meeting was web cast live. The archived web cast is available at the LRC web site at <http://www.sdlegislature.gov/>.

Approval of the Agenda

A MOTION WAS MADE BY REPRESENTATIVE WINK, SECONDED BY REPRESENTATIVE HUNT, TO APPROVE THE AGENDA. The motion prevailed on a voice vote.

Approval of the Minutes

A MOTION WAS MADE BY REPRESENTATIVE HAGGAR, SECONDED BY REPRESENTATIVE BOLIN, TO APPROVE THE MINUTES OF THE MARCH 29, 2016, EXECUTIVE BOARD MEETING. The motion prevailed on a voice vote.

LRC Management Reports

Mr. Jason Hancock, Director, Legislative Research Council (LRC), reported that the new member to the Investment Council that the Executive Board will be hiring this year needs to be a non-majority party member. The application form will be available on the LRC website. Mr. Hancock said that as Executive Board Chair, Senator Cammack will decide if the Executive Board will hold the June meeting in Sioux Falls at the Investment Council offices as the Board did in June of 2015.

Mr. Hancock gave a brief update on the remodeling project for the LRC offices which is scheduled to begin July 1. This remodel will include replacing carpets, painting walls, updating offices and replacing the air handling system. During the remodel, the staff will be relocated mostly to fourth floor offices during the months of July and August.

Mr. Hancock announced that the vacant position in the LRC IT Division has been filled. Mr. Scott Darnall has been hired as the LRC IT Manager and this new position will include programming for LRC's new budget database system. Mr. Darnall's first day will be Monday, May 16, 2016. Currently Mr. Darnall is in the private sector but did work for LRC from 1997 through 2010 and during that time wrote the LawMaker program still in use today.

Ms. Sue Cichos, Deputy Director, reported that the operations staff has been focused on the computer conversion that will be taking place later this month. The staff continues work on the project list, is updating interim documents with the new LRC logo, and is rewriting some of the student documents found on the student page on the website.

Ms. Annie Mehlhaff, Chief Analyst for Fiscal Research and Budget Analysis, reported that Senior Fiscal Analyst Aaron Olson left LRC in February and is now working for the Unified Judicial System. LRC is in the process of receiving applications to fill that vacant position.

The fiscal staff just completed the Joint Committee on Appropriations 2016 Summary Session Book. All of the appropriators will be receiving the book and it will also be available on the LRC website. The book includes the Letters of Intent, the new motion sheets, and several historical documents.

LRC will be testing new software to replace the OneNote System used by the Appropriations Committee. OneNote successfully replaced the binders that were being used by appropriators, but is now time to move to the next step which includes making the syncing process easier and faster. The new system will be integrated with the LRC website.

The state's revenue numbers are on target for FY 16. Sales and contractors' excise tax have been sluggish but increases in other revenue streams have made up the difference.

Representative Dean Wink asked if there were many comments made by legislators regarding the change to the budget process. Ms. Mehlhaff said there were some concerns and LRC will be looking at a few changes to the Joint Rules to address those issues. Overall, however, the process received good reviews.

Representative Spencer Hawley asked where LRC is with the new budget system. Ms. Mehlhaff said that the intent is to have Mr. Darnall work on that project, and the goal is to have something in place by December of 2016.

Representative Don Haggar asked if the new software will work with either the iPad or the laptop. Ms. Mehlhaff said that it will work with either device.

Senator David Omdahl asked about the State's new debt collection system. Ms. Mehlhaff said that the new system is in place but that she will have to obtain the total amount collected thus far and report back.

Mr. David Ortbahn, Chief Analyst for Research and Legal Services, introduced Ms. Jessica LaMie as the new Research Analyst. Ms. LaMie did work for LRC as a temporary employee during session, but is now full-time.

Mr. Ortbahn said that Mr. Fred Baatz, Ms. Amanda Reiss, and Ms. Roxanne Hammond met with the Intern Coordinators at South Dakota State University and University of South Dakota to discuss LRC's intern program. The discussion included finding ways to improve getting the information to students and stimulating more interest in the program. The staff members agreed that these meetings were beneficial and plan to conduct more meetings this fall and will include additional institutions at that time. There are intern coordinators located at each of the universities in the state.

Mr. Ortbahn said that the staff continues to review rules and is waiting to hear the Board's selection of interim committee topics so they can proceed with preparations for the interim meetings.

Mr. Doug Decker, Code Counsel, reported that one of the main functions of the office of the Code Counsel is to produce the Session Laws. Session Laws are a compilation in one volume of the bills passed by the Legislature, Executive Orders, and Supreme Court rules. Session Law chapter numbers have been assigned and are being compiled. There were 236 bills passed this last session and 10 Supreme Court rules were passed and will be included in this volume of Session Laws. The volume will be completed in June.

The second role of the Code Counsel is the codification of laws. This is being worked on by adding chapters to the code where new laws that did not amend current codes were passed during session.

The Legislature appoints three of the members to the Code Commission which is a five-member body. The Speaker of the House makes one appointment, the President of the Senate makes one appointment and the Executive Board makes the third appointment. The other two members are appointed by the State Bar. The Executive Board will need to make an appointment before June 30. Former legislator Mike DeMersseman is the current Executive Board appointment and his term expires June 30. Mr. DeMersseman is most likely interested in being reappointed if the Executive Board so chooses.

Mr. Decker also reported that LRC was appropriated funds to have old code books rebound. This is currently being completed by having three to five books rebound each year. This process will make these historical documents useful again.

Technology Subcommittee Report

Representative Jim Bolin, Vice Chair, Technology Subcommittee, said that this subcommittee will give two reports. The first report will be on the establishment and transition to the separate network system for the Legislature and will be given by Mr. Brian DeBolt. The second report will be on the selection of new legislator devices and will be given by Ms. Hilary Carruthers.

Mr. Brian DeBolt, Network Administrator, reported that the network conversion will begin on April 29 and be operational by May 2, 2016. Mr. DeBolt said he anticipates a smooth transition for end users and the LRC IT team will be working hard behind the scenes to ensure that. Mr. DeBolt went through the items of interest listed on the handout [\(Document #1\)](#). In May, there will be an independent network audit from an independent agency which will give support to what has been put in place through the new network. This audit will look at the entire infrastructure including switches, wireless servers, and services. The report will identify what has been done correctly and suggest changes that may improve the system. This will give LRC confidence that the network will be ready for the 2017 Legislative Session.

Representative Roger Hunt asked about antivirus software, and if it protects against Ransomware. Mr. DeBolt said he has high confidence in the system's antivirus solution. Mr. DeBolt also said that backup of the system runs continuously.

Representative Haggar commended Mr. DeBolt for his work on this project and asked about the wireless network and will it provide adequate coverage. Mr. DeBolt replied that he has duplicated coverage where current BIT access points are located on third and fourth floors and has installed additional access points for more coverage. Representative Haggar asked if BIT will be responsible to maintain wireless for the public. Mr. DeBolt replied that BIT will have wireless connections in all the public areas. LRC will have wireless connections in all the public and private areas of third and fourth floors.

Representative Haggar asked if there would be access to the State's global email address book. Mr. DeBolt replied that there will now be a wall between our email system and BIT's email system. Mr. DeBolt will ask BIT to allow a

hybrid merge of the two systems which may meet resistance due to security issues. The ultimate goal is to get BIT email books shared with us and our books shared with BIT.

Representative Bolin reminded the Board members that these changes to LRC's network are a result of the study done by NCSL and their recommendations that the Legislature become IT independent.

Ms. Hilary Carruthers, Computer and Web Support Specialist, said that after much research by staff, the Technology Subcommittee was presented with three options for legislator devices [\(Document #2\)](#). She noted that the requirements of the new device needs to allow the legislators the ability to access Email, Internet, Microsoft Office Suite (Word, Excel, PowerPoint, OneNote), printers, and offer mobile device management (MDM) including remote password reset and remote device wipe. The IT staff recommended the 12 inch iPad Pro as the device that can meet all of the requirements for the legislators. Ms. Carruthers said that the iPad includes the Microsoft Office Suite. The standardization of the Legislature back to a single device will allow for security and remote access by the LRC IT staff. Ms. Carruthers stated that LRC IT will be providing training on the new devices in the fall after the election, before and through session. There will be an option of face-to-face training or online training.

Representative Bolin said that the recommendation of the Technology Subcommittee is to purchase the iPad Pros for use by the 2017-2018 Legislatures. Ms. Carruthers did explain that LRC is on a 2-year cycle for updating devices and that it is suggested that 110 devices be purchased so there is always a loaner device available if a legislator's device should need repairs.

Representative Hawley said that the subcommittee was presented with other options but the staff recommended having only a single device available and that the iPad Pro would be the best option.

A MOTION WAS MADE BY REPRESENTATIVE BOLIN, SECONDED BY REPRESENTATIVE HAWLEY, TO APPROVE THE EXPENDITURE OF \$122,980 FOR THE PURCHASE OF 110 IPAD PRO DEVICES FOR USE DURING THE 2017-2018 SESSIONS. The motion prevailed on a roll call vote with 8 members voting AYE and 7 EXCUSED. Those voting AYE: Omdahl, Bolin, Haggard, Hawley, Hunt, Johns, Wink, and Cammack. Those EXCUSED: Brown, Heineman, Parsley, Sutton, White, Gosch, and Romkema.

Interim Study Committee

Mr. Hancock explained the process used in ranking the interim study topics. The points attached to each topic option are based on the votes cast by the individual legislators. Documents were distributed showing the topic options, the total score for each option, and how each legislator voted [\(Document #3\)](#).

Annually, LRC staff oversees ten different interim boards, committees and task forces established through statute or rule. Those include the Executive Board, the Interim Joint Committee on Appropriations, the Ag Land Task Force, Code Commission, Government Operations and Audit Committee, Legislative Planning Committee, Retirement Laws Committee, River Basin Task Force, Rules Review Committee, and State Tribal Committee. The interim studies selected today are in addition to those committees. In terms of budget, the Board could select as many as four additional interim studies for 2016.

The Board members discussed the various topic options. The Board does have the ability to tailor the parameters of the studies once the committee members have been selected and before they begin meeting.

A MOTION WAS MADE BY REPRESENTATIVE WINK, SECONDED BY REPRESENTATIVE BOLIN, THAT THE FOLLOWING THREE TOPICS BE ADOPTED AS THE 2016 INTERIM STUDIES: STUDY J - A STUDY OF THE BENEFITS, MERITS AND NEGATIVE IMPACTS OF REGULATING THE NUMBER OF NURSING AND ASSISTED LIVING BEDS IN SOUTH DAKOTA; STUDY K - A STUDY TO ASSESS EXISTING PAYMENT METHODOLOGIES FOR MEDICAID

PROVIDERS; STUDY I - A STUDY OF SUBSTANCE ABUSE PREVENTION AT THE EARLIEST STAGES AND OPTIONS AVAILABLE TO SOUTH DAKOTA COMMUNITIES. The motion prevailed on a roll call vote with 9 members voting AYE and 6 EXCUSED. Those voting AYE: Heineman, Omdahl, Bolin, Haggar, Hawley, Hunt, Johns, Wink, and Cammack. Those EXCUSED: Brown, Parsley, Sutton, White, Gosch, and Romkema.

Mr. Hancock explained that any of the remaining topics could be addressed through Issue Memorandums researched and written by LRC staff. The study topic G – establishment of an independent body to determine legislator compensation and support staff, would be a good candidate for an Issue Memorandum.

A MOTION WAS MADE BY REPRESENTATIVE HUNT, SECONDED BY REPRESENTATIVE WINK, THAT THE EXECUTIVE BOARD REQUEST THE LRC STAFF GATHER INFORMATION ON WHAT OTHER STATES DO RELATIVE TO ARRIVING AT COMPENSATION FOR THEIR RESPECTIVE LEGISLATORS. The motion prevailed on a roll call vote with 9 members voting AYE and 6 EXCUSED. Those voting AYE: Heineman, Omdahl, Bolin, Haggar, Hawley, Hunt, Johns, Wink, and Cammack. Those EXCUSED: Brown, Parsley, Sutton, White, Gosch, and Romkema.

Senator Phyllis Heineman asked if there is a protocol in place as to how many issue memorandums can be done per year or how they are requested. Mr. Hancock replied that issue memorandums are done at the request of the Executive Board when issues or subjects lend themselves to that type of fact gathering approach, and there is no set number of memorandums that can be requested.

Budget Subcommittee Report

Representative Don Haggar, Vice Chair, Budget Subcommittee, asked Ms. Mehlhaff to give the budget report.

Ms. Mehlhaff stated that the budgeted amounts for House, Senate, and non-legislator travel is within the current budgeted amounts, and that reversions are expected at the end of the fiscal year. Starting the interim committee meetings early will allow LRC to utilize some of those funds.

In response to Representative Bolin's question, Ms. Mehlhaff explained that \$452,000 was budgeted for travel during the interim of FY2016 and \$324,000 has been spent up to today.

Adjourn

A MOTION WAS MADE BY REPRESENTATIVE WINK, SECONDED BY REPRESENTATIVE BOLIN, THAT THE EXECUTIVE BOARD BE ADJOURNED. The motion prevailed on a voice vote.

The Board adjourned at 12:52 p.m.